Remarks

The Office Action mailed March 24, 2005 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-32 are now pending in this application. Claims 1-17 are withdrawn from consideration. Claims 18-32 are rejected. Claims 18 and 26 have been amended. No new matter has been added.

In accordance with 37 C.F.R. 1.136(a), a three-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated March 24, 2005 for the above-identified patent application from June 24, 2005 through and including September 24, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $1020.00 to cover this extension of time request also is submitted herewith.

Applicants respectfully submit that a copy, with Examiner's initials and signature, of the information disclosure statement filed on November 7, 2002, has not been provided with the Office Action. Applicants respectfully request that an executed copy of the information disclosure statement be provided.

A restriction to one of Group I, consisting of Claims 1-8, drawn to method for fabricating a run capacitor/positive temperature coefficient resistor/overload assembly, classified in class 29, subclass 612, Group II, consisting of Claims 9-17, drawn to a run capacitor/positive temperature coefficient resistor/overload assembly, classified in class 310, subclass 68 R, and Group III, consisting of Claims 18-32, drawn to a run capacitor/positive temperature coefficient resistor/overload assembly cover, classified in class 361, subclass 308.3 has been imposed. In response to the restriction requirement set forth in the Office Action, Applicants elect, with traverse, for prosecution in this application, Claims 18-32 of Group III.

The restriction requirement is respectfully traversed because the inventions set out by the claims in Groups I, II, and III clearly are related. Applicants respectfully submit that it is evident that the claims of Groups I, II, and III have an overlapping nature such that a search and examination of Groups I, II, and III can be made without

serious burden. MPEP §803 states that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

Moreover, Claim 1 includes recitations, "forming a cover from an electrically insulative material that includes a first surface, an opposite second surface and a plurality of sidewalls that extend from the first surface and is integrally formed with the first surface wherein the sidewalls extend from the first surface and form a compartment that is sized to at least partially receive a run capacitor therein; forming at least one aperture that extends through the cover internal to the compartment, and a plurality of projections extending from the second surface; and coupling said cover to the base such that a plurality of components are contained within the base compartment" in combination with the remaining recitations of Claim 1.

Claim 9 includes recitations, "a cover formed of electrically insulative material, said cover coupled to said base enclosing the components within said base compartment and comprising a first surface, an opposite second surface and a plurality of sidewalls extending from said first surface and are integrally formed with said first surface, said sidewalls extend from said first surface and form a compartment that is sized to at least partially receive a run capacitor assembly therein, at least one aperture extending through said cover internal to said compartment, and a plurality of projections extending from said second surface." in combination with the remaining recitations of Claim 9.

Claim 18 includes recitations, "a first surface; a plurality of sidewalls that extend from said first surface and are integrally formed with said first surface, said sidewalls extend from said first surface and form a compartment that is sized to at least partially receive a run capacitor assembly therein; at least one aperture extending through said cover internal to said compartment; a second surface, opposite to said first surface; and a plurality of projections extending from said second surface."

MPEP §806.05(c)(II) states, "If there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}, restriction should not be required. Where the

relationship between the claims is such that the separately claimed subcombination B_{sp}, constitutes the essential distinguishing feature of the combination AB_{sp} as claimed, the inventions are not distinct and a requirement for restriction must not be made, even though the subcombination has separate utility." Applicants respectfully submit that there is no evidence that the combinations in Claims 1 and 9 are patentable without the details in Claim 18. Moreover, a relationship between Claims 1, 9, and 11 is such that a separately claimed subcombination in Claim 18 constitutes a distinguishing feature of the combinations in Claims 1 and 9. Accordingly, the inventions in Claims 1, 9, and 18 are not distinct and a requirement for restriction must not be made, even though the subcombination may have separate utility.

Moreover, Applicants respectfully traverse the statement on page 2 of the Office Action that the product of Groups II and III can be made by a materially different process, such as one that has a complete different order of steps than what is recited in Group I. Applicants respectfully request the Examiner to provide an example of the materially different process.

Furthermore, Applicants respectfully submit that a thorough search and examination of either claim group would be relevant to the examination of the other group. In addition, requirements for restriction are not mandatory under 35 U.S.C. §121. Accordingly, reconsideration of the restriction requirement is requested.

The rejection of Claims 18-32 under 35 U.S.C. § 102(e) as being anticipated by Koehler et al. (U.S. Patent No. 6,773,272) is respectfully traversed.

Koehler et al. describe an air bag module (14) including a printed circuit board (16), that would control a plurality of functions of a plurality of air bags in a vehicle (column 4, lines 31-34). The module is a right-angled electrical connector module and mounts two right-angled electrical header connector assemblies (20) therewithin (column 4, lines 35-38). A plurality of mounting bosses (34) project outwardly from opposite side walls (26) of the module for securing the module wherever the module is to be used, such as to a frame component of an automobile or other vehicle (column 4, lines 46-49). Each header connector assembly includes a terminal pin alignment member or plate (40) having a plurality of pin-receiving passages (40a) therethrough

(column 4, line 65 – column 5, line 1). A pair of mounting holes (40b) also are formed through the pin alignment plate (column 5, lines 1-2).

Claim 18 recites a run capacitor/positive temperature coefficient resistor/overload (CAP/PTCR/OL) assembly cover configured to couple to a PTCR/OL base comprising "a first surface; a plurality of sidewalls that extend from said first surface and are integrally formed with said first surface, said sidewalls extend from said first surface and form a compartment that is sized to at least partially receive a run capacitor assembly therein; at least one aperture extending through said cover internal to said compartment; a second surface, opposite to said first surface; and a plurality of projections extending from said second surface."

Koehler et al. do not describe or suggest a run capacitor/positive temperature coefficient resistor/overload (CAP/PTCR/OL) assembly cover as recited in Claim 18. Specifically, Koehler et al. do not describe or suggest at least one aperture extending through the cover internal to the compartment. Rather, Koehler et al. describe a plurality of right-angled electrical header connector assemblies mounted within an air bag module. Koehler et al. further describe a plurality of mounting bosses that project outwardly from opposite side walls of the module for securing the module wherever the module is to be used, such as to a frame component of an automobile or other vehicle. Koehler et al. further describe a plurality of pin-receiving passages within a pin alignment plate included within each header connector assembly. Koehler et al. describe a pair of mounting holes formed through the pin alignment plate. Accordingly, Koehler et al. do not describe or suggest at least one aperture extending through the cover internal to the compartment.

Applicants respectfully traverse the suggestion on page 4 of the Office Action that '20' in Koehler et al. describes or suggest the at least one aperture extending through the cover as recited in Claim 18. Applicants respectfully submit that '20' in Koehler et al. does not describe or suggest the at least one aperture extending through the cover. Rather, '20' describes the header connector assembly. For the reasons set forth above, Claim 18 is submitted to be patentable over Koehler et al.

Claims 19-25 depend, directly or indirectly, from independent Claim 18. When the recitations of Claims 19-25 are considered in combination with the recitations of Claim 18, Applicants submit that Claims 19-25 likewise are patentable over Koehler et al.

Claim 26 recites a run capacitor/positive temperature coefficient resistor/overload (CAP/PTCR/OL) assembly cover configured to couple to a PTCR/OL base comprising "a first surface; a plurality of sidewalls that extend from said first surface and are integrally formed with said first surface, said sidewalls extend from said first surface and form a platform that is sized to at least partially receive a run capacitor assembly thereon; at least one aperture extending through said platform; a second surface, opposite to said first surface; and a plurality of projections extending from said second surface."

Koehler et al. do not describe or suggest a run capacitor/positive temperature coefficient resistor/overload (CAP/PTCR/OL) assembly cover as recited in Claim 26. Specifically, Koehler et al. do not describe or suggest at least one aperture extending through the platform. Rather, Koehler et al. describe a plurality of right-angled electrical header connector assemblies mounted within an air bag module. Koehler et al. further describe a plurality of mounting bosses that project outwardly from opposite side walls of the module for securing the module wherever the module is to be used, such as to a frame component of an automobile or other vehicle. Koehler et al. further describe a plurality of pin-receiving passages within a pin alignment plate included within each header connector assembly. Koehler et al. describe a pair of mounting holes formed through the pin alignment plate. Accordingly, Koehler et al. do not describe or suggest at least one aperture extending through the platform.

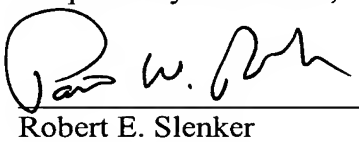
Applicants respectfully traverse the suggestion on page 5 of the Office Action that '20' in Koehler et al. describes or suggest the at least one aperture extending through the platform as recited in Claim 26. Applicants respectfully submit that '20' in Koehler et al. does not describe or suggest the at least one aperture extending through the platform. Rather, '20' describes the header connector assembly. For the reasons set forth above, Claim 20 is submitted to be patentable over Koehler et al.

Claims 27-32 depend, directly or indirectly, from independent Claim 26. When the recitations of Claims 27-32 are considered in combination with the recitations of Claim 26, Applicants submit that Claims 27-32 likewise are patentable over Koehler et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 18-32 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Robert E. Slenker
Registration No. 45,112
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070